

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

GEORGE A. SCHWINDLING	§	
VS.	§	CIVIL ACTION NO. 1:15cv49
CHARLES E. SAMUELS	§	

MEMORANDUM OPINION

Petitioner George A. Schwindling, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Analysis

Petitioner complains that the Bureau of Prisons has incorrectly calculated his release date and that he should have already been released. A member of the court's staff has determined that petitioner was released from confinement on March 11, 2015.

Federal courts are said to be courts of "limited jurisdiction." *See County Court of Ulster County, N.Y. v. Allen*, 442 U.S. 140, 154 (1979). Under Article III, Section 2 of the Constitution, the judicial power of the United States Government extends only to "Cases" or "Controversies." The "case or controversy" requirement demands, *inter alia*, that a cause of action before a federal court present a "justiciable" controversy. "[N]o justiciable controversy is presented ... when the question sought to be adjudicated has been mooted by subsequent developments." *Flast v. Cohen*, 392 U.S. 83, 95 (1968).

Petitioner asks the court to order that he be released because his sentence was improperly calculated. As petitioner has been released from confinement, he has received the relief requested.

His petition therefore no longer presents a justiciable controversy and should be dismissed without prejudice as moot.

Conclusion

For the reasons set forth above, this petition for writ of habeas corpus will be dismissed without prejudice as moot. An appropriate final judgment shall entered.

SIGNED this the **15** day of **June, 2015**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge